

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 ----- X
4 UNITED STATES OF AMERICA : 08-CR-00076 (JBW)
5 -against- : U.S. Courthouse
6 : Brooklyn, New York
7 FRANK CALI : Defendant :
8 : August 7, 2008
9 : 10:30 a.m.
10 : ----- X

11 BEFORE:
12 HONORABLE JACK B. WEINSTEIN
13 United States District Judge

14 APPEARANCES:

15 For the Government: BENTON J. CAMPBELL, ESQUIRE
16 United States Attorney
17 271 Cadman Plaza East
18 Brooklyn, New York 11201
19 BY: JOEY LIPTON
20 EVAN NORRIS
21 Assistant U.S. Attorneys

22 For the Defendant: HARLAN J. PROTASS
23 305 Madison Avenue
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25 New York, New York 10165

26 Court Reporter: RONALD E. TOLKIN, RMR
27 Official Court Reporter
28 225 Cadman Plaza East
29 Brooklyn, New York 11201

30 Minutes Taken Stenographically. Transcript Produced
31 By Computer Aided Transcription.

U.S.A. v. FRANK CALI

15

1 the conspiracy is a conspiracy. There are two different
2 matters.

3 So to that extent it isn't double counting. It is
4 a conspiracy to use a threat, and then it is the use of the
5 threats under the guidelines. So it is an interesting
6 problem. It is kind of obtuse, and you may want to take an
7 appeal.

8 But I am not going to give you less than two points
9 under Paragraph 143. If you can, I can change the sentence
10 that I was going to make, but I am not inclined to do so in
11 this case as I was in the other cases.

12 What else?

13 MR. PROTASS: Well, there is the one-point
14 enhancement that is in the presentence report for the amount
15 of money at issue here, Your Honor, and --

16 THE COURT: Well, that, I don't see. What's --
17 where is the loss?

18 MR. LIPTON: There is the loss of \$13,000 that was
19 paid pursuant to this conspiracy so that --

20 THE COURT: Paid to whom?

21 MR. LIPTON: This was paid to individuals, Leonard
22 DiMaria, Ernest Grillo, and Nicholas Corozzo, based on the --
23 once the cooperating witness, John Doe Number 4, got the
24 rights to dump at the site.

25 THE COURT: This is the NASCAR?